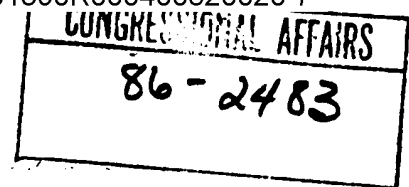


30A FILE *HPSCI*
RECEIPT # *Record*

21 July 1986

MEMORANDUM FOR THE RECORD

FROM: Associate Legal Adviser
Publications Review Board

SUBJECT: Conversation with Mike O'Neil (HPSCI)

On 18 July, I received a telephone call from Mike O'Neil of the House Permanent Select Committee on Intelligence. He had been referred to me by for the answer to a hypothetical question concerning PRB review.

How, he asked, would the PRB treat a manuscript submitted by a former employee turned journalist which purported to be based entirely on open sources? I said the answer would depend on all the relevant facts and circumstances but, assuming that 1) the manuscript contained information that the Agency considered classified, 2) the author learned the information in the course of his employment, and 3) the author's affiliation with CIA was open and acknowledged, then the board would probably not authorize publication. If the author was a relatively low-level, low-profile employee, who had not been directly involved in working with the classified information while employed, the Board might permit publication, depending on the sensitivity of the information and the breadth and scope of open source information on the subject. Conversely, the more senior and well known the author's affiliation with the Agency, and the more closely connected he had been with the classified information, the less likely it is that he could successfully mask the true source of his information by citing open publications.

We discussed the distinction between damage to the national security from initial disclosure of a secret and damage from confirmation by an authoritative source. I told O'Neil that we tried to apply a rule of reason in this as in all decisions but, if publication of the information by this author could cause additional damage to the national security (over and above the damage personally caused by the open source revelations) then we would require the author to delete the information. O'Neil said this seemed reasonable to him.

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I asked what occasioned his inquiry, i.e., whether he had a real case in mind, but he declined to be specific, saying only that he was interested in how we would treat such a manuscript.

STAT

cc: D/PAO
DDL/OCA
ADGC/L&CA (OGC)